

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KENNETH THOMAS JR,

Plaintiff,

v.

CORRECTIONS OFFICER HOPF, et al.,

Defendants.

Case No. C19-1766-JCC-MLP

ORDER GRANTING DEFENDANT'S  
MOTION TO STAY DISCOVERY

Currently before the Court is Defendant's motion to stay discovery pending resolution of his motion for summary judgment. (Dkt. # 23.) Defendant seeks summary judgment based on Plaintiff's failure to exhaust his administrative remedies as required by the Prison Litigation Reform Act. Plaintiff did not file an opposition to either the motion to stay or the motion for summary judgment.

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at 906 F.2d 465 (9th Cir. 1990); *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984). Summary

1 judgment is generally disfavored where relevant evidence remains to be discovered. *Taylor v.*  
2 *Sentry Life Ins.*, 729 F.2d 652, 656 (9th Cir. 1984) (per curiam). The burden is on the nonmoving  
3 party, however, to show what material facts would be discovered that would preclude summary  
4 judgment. *Hall v. Hawaii*, 791 F.2d 759, 761 (9th Cir. 1986).

5 As Plaintiff has not opposed either Defendant's motion to stay discovery or Defendant's  
6 motion for summary judgment, he has not shown there are undiscovered material facts that  
7 would preclude summary judgment. Given that Defendant's motion for summary judgment is  
8 limited to the issue of administrative exhaustion and would dispose of the case if granted, the  
9 Court finds good cause to GRANT the motion to stay (dkt. # 23) and to STAY further discovery  
10 until further order of the Court.

11 The Clerk is directed to send copies of this order to the parties and to the Honorable John  
12 C. Coughenour.

13 Dated this 8th day of May, 2020.

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15 MICHELLE L. PETERSON  
16 United States Magistrate Judge  
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